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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 \_\_\_\_\_ ) Case No.: 2:15-cv-1675  
10 **MICHELLE CHINNICK,** ) **COMPLAINT;**  
11 ) **FAIR DEBT COLLECTION PRACTICES**  
12 Plaintiff, ) **ACT (15 USC § 1692a, *et seq.*); FAIR**  
13 vs. ) **CREDIT REPORTING ACT (15 USC § 1681,**  
14 **NATIONAL CREDIT SYSTEMS, INC.,** ) ***et seq.***  
15 Defendant. ) **DEMAND FOR JURY TRIAL**  
16 \_\_\_\_\_ )

17 **I. INTRODUCTION**

18 1. This is an action for damages brought by an individual consumer for Defendant's  
19 violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter  
20 "FDCPA") and the Fair Credit Reporting Act (15 USC § 1681, *et seq.*)  
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22 **II. JURISDICTION**

23 2. Plaintiff's claims for violations of the FDCPA and FCRA arise under 15 U.S.C. §  
24 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331.  
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26 **III. PARTIES**

27 3. Plaintiff, Michelle Chinnick ("Plaintiff"), is a natural person residing in Snohomish  
28 County, Washington.

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1           4. Defendant, National Credit Systems, Inc. (“Defendant”), is a corporation engaged  
2 in the business of collecting debts by use of the mails and telephone. Defendant regularly attempts  
3 to collect debts alleged due another.

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5                                   **IV. FACTUAL ALLEGATIONS**

6           5. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

7           6. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and the  
8 FCRA, 15 U.S.C. § 1681a(c).

9           7. Defendant is a “person” as defined by 15 USC § 1681a(b).

10           8. All activities of Defendant set out herein were undertaken in connection with the  
11 collection of a “debt,” as defined by 15 U.S.C. § 1692a(5).

12           9. Within the last year, Defendant took multiple actions in an attempt to collect a debt  
13 from Plaintiff. Defendant’s conduct violated the FDCPA in multiple ways, including the following.

14           10. Threatening to take action Defendant did not intend to take, including threatening  
15 to sue Plaintiff again in 2011; Plaintiff only recently realized that was a false threat after Defendant  
16 still had not sued after 4 years (§ 1692e(5)).

17           11. Reporting false information to Plaintiff’s credit report in the face of a valid dispute  
18 through the credit bureaus that took place in or around October, 2013 (15 USC 1681s)).

19           12. As a result of the aforementioned violations, Plaintiff suffered and continues to  
20 suffer injuries to Plaintiff’s feelings, personal humiliation, embarrassment, mental anguish and  
21 severe emotional distress.

22           13. Defendant intended to cause, by means of the actions detailed above, injuries to  
23 Plaintiff’s feelings, personal humiliation, embarrassment, mental anguish and severe emotional  
24 distress.

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14. Defendant's actions, detailed above, were undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

15. To the extent Defendant's actions, detailed in paragraphs 8-15, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

**COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

16. Plaintiff reincorporates by reference all of the preceding paragraphs.

17. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendant for violations of the FDCPA.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Declaratory judgment that Defendant's conduct violated the FDCPA;  
B. Actual damages pursuant to 15 U.S.C. 1692k;  
C. Statutory damages pursuant to 15 U.S.C. § 1692k;  
D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,

E. For such other and further relief as may be just and proper.

**COUNT II: NEGLIGENT VIOLATION OF FAIR CREDIT REPORTING ACT**

18. Plaintiff reincorporates by reference all of the preceding paragraphs.

19. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FCRA, § 1681s-2.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against both the Defendants for the following:

- A. Declaratory judgment that Defendant's conduct violated the FCRA,
- B. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
- C. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1681o(a)(2); and,
- D. For such other and further relief as may be just and proper.

**COUNT III: INTENTIONAL VIOLATION OF FAIR CREDIT REPORTING ACT**

20. Plaintiff reincorporates by reference all of the preceding paragraphs.

21. The preceding paragraphs state a *prima facie* case for Plaintiff and against Defendants for violations of the FCRA, § 1681s-2.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against both the Defendants for the following:

- A. Declaratory judgment that Defendant's conduct violated the FCRA,
- B. Actual damages or \$1000, whichever is greater, pursuant to 15 U.S.C. § 1681n(a)(1)(B).
- C. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1681n(a)(3); and,

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1 D. For such other and further relief as may be just and proper.  
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4 **PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**  
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6  
7 Dated this 21<sup>st</sup> of October, 2015.  
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9 By: s/Joshua Trigsted  
10 Joshua Trigsted, WSBA#42917  
11 Attorney for Plaintiff  
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